

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSHUA DUDLEY,	:	
Plaintiff	:	
	:	
v.	:	No. 1:19-cv-1157
	:	
	:	(Judge Rambo)
OFFICER TIM BROWN, <i>et al.</i>,	:	
Defendants	:	

ORDER

AND NOW, on this 26th day of November 2019, in accordance with the Memorandum accompanying this Order, **IT IS ORDERED THAT:**

1. The Clerk of Court is **DIRECTED** to note on the docket that Plaintiff's supplement (Doc. No. 7) is an amended complaint, add Warden Brian S. Clark and Director of Security Roger Lucas to the docket as Defendants in this matter, and note that Defendants Warden Clark and Lucas are represented by attorney Stephen B. Edwards of Lavery Law;
2. Defendants' partial motion to dismiss (Doc. No. 26) is **GRANTED**;
3. Plaintiff's claims against Defendants Clark, Craig, Hammer, Warden Clark, and Lucas are **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);
4. Plaintiff's requests for injunctive relief are **DISMISSED AS MOOT**;
5. Plaintiff is **GRANTED** thirty (30) days from the date of this Order to file a second amended complaint regarding his claims for damages against Defendants. If Plaintiff elects to file a second amended complaint, Plaintiff is advised to adhere to the standards set forth in the Federal Rules of Civil Procedure and the directives set forth by this Court in its accompanying Memorandum. Specifically, the second amended complaint must be complete in all respects. It must be a new pleading which stands by itself without reference to any previous complaints or any other documents already filed. The second amended complaint should set forth Plaintiff's

claims in short, concise and plain statements as required by Rule 8 of the Federal Rules of Civil Procedure. Each paragraph should be numbered. The second amended complaint should specify which actions are alleged as to which defendants and sufficiently allege personal involvement of the defendant in the acts which Plaintiff claims violated his rights. Mere conclusory allegations will not set forth cognizable claims. Importantly, should Plaintiff elect to file a second amended complaint, he must re-plead every cause of action in the second amended complaint because the second amended complaint will supersede all previous complaints. *See Knight v. Wapinsky*, No. 12-cv-2023, 2013 WL 786339, at *3 (M.D. Pa. Mar. 1, 2013) (stating that an amended complaint supersedes the original complaint. Because a second amended complaint supersedes all previous complaints, all causes of action alleged in the amended complaint which are not alleged in a second amended complaint are waived. *Id.* (citations omitted));

6. The Clerk of Court is **DIRECTED** to mail Plaintiff a civil rights complaint for to use for filing his second amended complaint; and
7. If Plaintiff files a second amended complaint, it will supersede all previous complaints as set forth above. If Plaintiff fails to file a second amended complaint within thirty (30) days of the date of this Order, the Court will proceed on Plaintiff's claims against Defendants Brown and Rowe and direct Defendants Brown and Rowe to respond to Plaintiff's claims against them as set forth in his amended complaint (Doc. No. 7).

s/Sylvia H. Rambo
Sylvia H. Rambo
United States District Judge